

Enrolled
House Bill 2166

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Office of the Governor)

CHAPTER

AN ACT

Relating to education equity; creating new provisions; amending ORS 326.051, 327.254, 329A.280, 329A.330, 342.120, 342.147, 342.437, 342.940 and 348.295 and sections 4 and 5, chapter 756, Oregon Laws 2015; and declaring an emergency.

Whereas an equitable system of education means a system that enables every child to have an equal chance for success in education; and

Whereas an equitable system of education must take into consideration the whole child, including the child's background, personal characteristics, family situation, mental health and social emotional development; and

Whereas all children deserve to receive high quality, culturally responsive, developmentally appropriate and inclusive early childhood care and education regardless of race, ethnicity, language or disability; and

Whereas not all children are given the same opportunity to succeed in education, as children in early childhood care or education programs are disproportionately disciplined based on race, ethnicity, language or disability; and

Whereas there are limited opportunities for early childhood care and education professionals who serve some of this state's most vulnerable low income families to access professional development resources that are culturally specific or language diverse or that are related to behavioral health; and

Whereas providing resources and professional development to early childhood care professionals and educators could improve equity in education by reducing the disproportionate imposition of discipline, including suspension and expulsion; and

Whereas social emotional learning is a central component of an integrated model of mental and emotional health that also includes racial equity, trauma-informed principles and practices and strengths-based multitiered systems of support; and

Whereas social emotional learning skills, in conjunction with racial equity, trauma-informed principles and practices and strengths-based multitiered systems of support, can contribute significantly to mental and emotional health and overall health promotion and can be an integral part of school culture, climate, safety and mental and physical health promotion efforts; and

Whereas social emotional learning skills, in conjunction with racial equity, trauma-informed principles and practices and strengths-based multitiered systems of support, can enable school communities to create just, equitable and inclusive cultures in which all students, staff and leaders belong and feel respected, valued and affirmed in their individual and intersectional interests, talents, social identities, cultural values and backgrounds; and

Whereas social emotional learning skills, in conjunction with racial equity, trauma-informed principles and practices and strengths-based multitiered systems of support, can help schools culti-

vate understanding, examine biases, reflect on and address the impact of racism, build cross-cultural relationships and foster adult and student practices that close opportunity gaps and create more inclusive school communities that deliver high quality educational opportunities and outcomes for all students; and

Whereas social emotional learning should be incorporated into all academic content standards as part of an integrated model of mental and emotional health, with the explicit goal being to promote antiracism and educational equity and to create conditions for all students to thrive; and

Whereas this state's commitment to equity includes a culturally responsive educator workforce, which requires a vigorous and comprehensive commitment to relevant professional development and supports for educators who are serving this state's diverse learners; and

Whereas high quality educator preparation and ongoing, effective professional development and supports for educators are critical variables to an equitable education system, excellent teaching, educator retention and improved learning and development; and

Whereas recent actions taken by the Legislative Assembly have emphasized the need to address professional development for educators who serve children and students in early childhood and in kindergarten through grade 12; and

Whereas this state seeks to recruit and retain more diverse educators for the purposes of enhancing the capacity of all educators to create safe, equitable and inclusive learning environments and addressing institutional racism that limits opportunities for many children and students; now, therefore,

Be It Enacted by the People of the State of Oregon:

EARLY CHILDHOOD SUSPENSION AND EXPULSION PREVENTION

SECTION 1. (1) The Early Childhood Suspension and Expulsion Prevention Program is established. The Early Learning Division shall administer the program as provided by this section.

(2) The purposes of the Early Childhood Suspension and Expulsion Prevention Program are to:

(a) Reduce the use of suspension and expulsion in early childhood care and education programs; and

(b) Reduce disparities in the use of suspension and expulsion in early childhood care and education programs based on race, ethnicity, language, ability or any other protected class identified by the Early Learning Council by rule.

(3) The Early Childhood Suspension and Expulsion Prevention Program shall achieve the purposes described in subsection (2) of this section by:

(a) Incorporating into early childhood care and education programs racial equity, trauma-informed principles and practices and strengths-based multitiered systems of support;

(b) Supporting the capacity of families, educators and early childhood care and education professionals to promote children's social emotional well-being and growth;

(c) Creating a source for early childhood care and education professionals to request technical assistance related to children's social emotional well-being and growth;

(d) Building capacity in communities to deliver technical assistance that supports:

(A) Children's social emotional development;

(B) Children's positive racial identity development;

(C) Antibias practices in early childhood care and education programs; and

(D) Inclusive practices in early childhood care and education programs;

(e) Enhancing community-based supports for families that have a history of trauma, are involved in multiple systems of support or need connection to intervention services;

(f) Providing early childhood care and education professionals with access to technical assistance to support the stability of placements in early childhood care and education programs; and

(g) Developing and supporting practices that reduce the use of suspension or expulsion.

(4) Under the Early Childhood Suspension and Expulsion Prevention Program, the Early Learning Division shall establish:

(a) Common definitions related to antibias practices in early childhood care and education;

(b) Common definitions related to inclusive practices in early childhood care and education;

(c) Common definitions and guidelines for early childhood care and education suspension and expulsion;

(d) Standards and guidelines for program administration and for the delivery of technical assistance services that are culturally responsive and that ensure technical assistance is implemented with a focus on antibias and inclusive practices;

(e) Requirements for knowledge, skills and competencies for technical assistance specialists and mental health consultants participating in the program, with a focus on racial equity, the science of child development, trauma-informed principles and practices, social emotional learning principles, antibias practices and inclusive practices;

(f) Standards for data collection and evaluation to assess the impacts of the program, including eliminating disparities in exclusionary practices based on race, ethnicity, language, ability or other protected classes; and

(g) Requirements that early childhood care and education programs certified or registered under ORS 329A.280 or 329A.330, or receiving public funding for early childhood care and education services, must request services from the Early Childhood Suspension and Expulsion Prevention Program when a young child in an early childhood care or education program is facing potential expulsion.

(5) In support of the Early Childhood Suspension and Expulsion Prevention Program, the Early Learning Division shall coordinate with the Oregon Health Authority to develop a plan for integrated mental and behavioral health and social and emotional supports for children and families, including establishing a resource list of diverse, community-based mental health consultants to support the goals of the suspension and expulsion program.

(6) The Early Learning Council may adopt any rules necessary for the administration of this section.

SECTION 2. ORS 329A.280 is amended to read:

329A.280. (1) A person may not operate a child care facility, except a facility subject to the registration requirements of ORS 329A.330, without a certification for the facility from the Office of Child Care.

(2) The Early Learning Council shall adopt rules for the certification of a family child care home caring for not more than 16 children. The rules shall be specifically adopted for the regulation of certified child care facilities operated in a facility constructed as a single-family dwelling. Notwithstanding fire and other safety regulations, the rules that the council adopts for certified child care facilities shall set standards that can be met without significant architectural modification of a typical home. In adopting the rules, the council may consider and set limits according to factors including the age of children in care, the ambulatory ability of children in care, the number of the provider's children present, the length of time a particular child is continuously cared for and the total amount of time a particular child is cared for within a given unit of time. **The rules must require compliance with the provisions of section 1 of this 2021 Act.**

(3) In addition to rules adopted for and applied to a certified family child care home providing child care for not more than 16 children, the council shall adopt and apply separate rules appropriate for any child care facility that is a child care center.

(4) Any person seeking to operate a child care facility may apply for a certification for the facility from the Office of Child Care and receive a certification upon meeting certification requirements.

(5) A facility described in ORS 329A.250 (5)(d) may, but is not required to, apply for a certification under this section and receive a certification upon meeting certification requirements.

SECTION 3. ORS 329A.330 is amended to read:

329A.330. (1) A provider operating a family child care home where care is provided in the family living quarters of the provider's home that is not subject to the certification requirements of ORS 329A.280 may not operate a child care facility without registering with the Office of Child Care.

(2) A child care facility holding a registration may care for a maximum of 10 children, including the provider's own children. Of the 10 children:

- (a) No more than six may be younger than school age; and
- (b) No more than two may be 24 months of age or younger.

(3)(a) To obtain a registration, a provider must apply to the Office of Child Care by submitting a completed application work sheet and a nonrefundable fee. The fee shall vary according to the number of children for which the facility is requesting to be registered, and shall be determined and applied through rules adopted by the Early Learning Council under ORS 329A.275. The fee shall be deposited as provided in ORS 329A.310 (2). The office may waive any or all of the fee if the office determines that imposition of the fee would impose a hardship on the provider.

(b) Upon receipt of an initial or renewal application satisfactory to the office, the office shall conduct an on-site review of the child care facility under this section. The on-site review shall be conducted within 30 days of the receipt of a satisfactory application.

(4) The office shall issue a registration to a provider operating a family child care home if:

- (a) The provider has completed a child care overview class administered by the office;
- (b) The provider has completed two hours of training on child abuse and neglect issues;
- (c) The provider is currently certified in infant and child first aid and cardiopulmonary resuscitation;
- (d) The provider is certified as a food handler under ORS 624.570; and
- (e) The office determines that the application meets the requirements of ORS 181A.200, 329A.030 and 329A.250 to 329A.450 and the rules promulgated pursuant to ORS 181A.195, 181A.200, 181A.215, 329A.030 and 329A.250 to 329A.450, and receives a satisfactory records check, including criminal records and protective services records.

(5) Unless the registration is revoked as provided in ORS 329A.350, the registration is valid for a period of two years from the date of issuance. The office may not renew a registration of a provider operating a family child care home unless the provider:

- (a) Is currently certified in infant and child first aid and cardiopulmonary resuscitation;
- (b) Has completed a minimum of eight hours of training related to child care during the most recent registration period; *[and]*
- (c) Is certified as a food handler under ORS 624.570[.]; **and**

(d) When applicable, has complied with the requirements of section 1 of this 2021 Act prior to imposing an expulsion.

(6) A registration authorizes operation of the facility only on the premises described in the registration and only by the person named in the registration.

(7) The Early Learning Council shall adopt rules:

- (a) Creating the application work sheet required under subsection (3) of this section;
- (b) Defining full-time and part-time care;
- (c) Establishing under what circumstances the adult to child ratio requirements may be temporarily waived; and
- (d) Establishing health and safety procedures and standards on:
 - (A) The number and type of toilets and sinks available to children;
 - (B) Availability of steps or blocks for use by children;
 - (C) Room temperature;

- (D) Lighting of rooms occupied by children;
- (E) Glass panels on doors;
- (F) Condition of floors;
- (G) Availability of emergency telephone numbers; and
- (H) Smoking.

(8) The office shall adopt the application work sheet required by subsection (3) of this section. The work sheet must include, but need not be limited to, the following:

- (a) The number and ages of the children to be cared for at the facility; and
- (b) The health and safety procedures in place and followed at the facility.

(9)(a) If the Office of Child Care determines that it is necessary to protect the health and safety of the children for whom a child care facility is to provide care, the office may impose a condition on the facility's registration that is reasonably designed to protect the health and safety of children. The office may impose a condition during the application process for an initial registration, during the application process for a renewal of a registration or at any time after the issuance of a registration.

(b) Except as provided in paragraph (c) of this subsection, when the office imposes a condition on a child care facility's registration, the facility shall be afforded an opportunity for a hearing consistent with the provisions of ORS chapter 183.

(c)(A) If the office finds a serious danger to the health and safety of the children receiving care at a child care facility, the office shall notify the facility of the specific reasons for the finding and may impose an emergency condition on the facility's registration without a hearing.

(B) If the facility demands a hearing within 90 days after the office notifies the facility of the emergency condition, a hearing consistent with the provisions of ORS chapter 183 must be granted to the facility as soon as practicable after the demand and the agency shall issue an order consistent with the provisions of ORS chapter 183 confirming, altering or revoking the order imposing the emergency condition.

(10) The office, upon good cause shown, may waive one or more of the registration requirements. The office may waive a requirement only if appropriate conditions or safeguards are imposed to protect the welfare of the children and the consumer interests of the parents of the children. The office may not waive the on-site review requirement for applicants applying for an initial registration or renewal of a registration.

(11) The Early Learning Council, by rule, shall develop a list of recommended standards consistent with standards established by professional organizations regarding child care programs for child care facilities. Compliance with the standards is not required for a registration, but the office shall encourage voluntary compliance and shall provide technical assistance to a child care facility attempting to comply with the standards. The child care facility shall distribute the list of recommended minimum standards to the parents of all children cared for at the facility.

(12) In adopting rules relating to registration, the Early Learning Council shall consult with the appropriate legislative committee in developing the rules to be adopted. If the rules are being adopted during a period when the Legislative Assembly is not in session, the Early Learning Council shall consult with the appropriate interim legislative committee.

SECTION 3a. (1) Section 1 of this 2021 Act and the amendments to ORS 329A.280 and 329A.330 by sections 2 and 3 of this 2021 Act become operative on July 1, 2022.

(2) Notwithstanding the operative date set forth in subsection (1) of this section, the Early Learning Division may take any action before the operative date set forth in subsection (1) of this section that is necessary for the division to exercise, on and after the operative date set forth in subsection (1) of this section, all of the duties, functions and powers conferred on the division by section 1 of this 2021 Act and the amendments to ORS 329A.280 and 329A.330 by sections 2 and 3 of this 2021 Act.

(3) For the purpose of ensuring that the Early Learning Division may exercise, on and after the operative date set forth in subsection (1) of this section, all of the duties, functions and powers conferred on the division by section 1 of this 2021 Act and the amendments to

ORS 329A.280 and 329A.330 by sections 2 and 3 of this 2021 Act, the division shall develop and implement a plan for the implementation of section 1 of this 2021 Act and the amendments to ORS 329A.280 and 329A.330 by sections 2 and 3 of this 2021 Act.

(4) No later than February 1, 2022, the Early Learning Division shall report to the appropriate interim committees of the Legislative Assembly. The report shall address the progress on the plan required to be developed and implemented as provided by subsection (3) of this section.

SECTION 3b. (1) The Early Learning Division shall conduct a study on:

(a) The use of suspension and expulsion in early childhood care and education programs; and

(b) Efforts to reduce and prevent the use of suspension and expulsion in early childhood care and education programs.

(2) The division shall report the results of the study required under this section to the appropriate interim committees of the Legislative Assembly no later than September 15, 2024.

SECTION 3c. Section 3b of this 2021 Act is repealed on December 31, 2024.

SOCIAL EMOTIONAL LEARNING STANDARDS

SECTION 4. (1) The Department of Education, in consultation with the Early Learning Division and the Teacher Standards and Practices Commission, shall convene an advisory group to propose for adoption by the State Board of Education:

(a) Social emotional learning standards for public school students in kindergarten through grade 12; and

(b) A statewide social emotional framework for public school students in kindergarten through grade 12.

(2) The standards and framework proposed by the advisory group must:

(a) Be developmentally appropriate;

(b) Align with other models and practices of the department related to mental health;

(c) Include racial equity and trauma-informed principles and practices within strengths-based multitiered systems of support;

(d) Increase public school students' social emotional development;

(e) Promote self-awareness, awareness of others, critical thinking and understanding regarding the interaction between systemic social structures and histories, contributions and perspectives of individuals who:

(A) Are Alaska Native, Native American, Black, African American, Asian, Native Hawaiian, Pacific Islander, Latinx or Middle Eastern;

(B) Are women;

(C) Have disabilities;

(D) Are immigrants or refugees;

(E) Are lesbian, gay, bisexual, transgender, queer, two-spirit, intersex, asexual, nonbinary or another minority gender identity or sexual orientation; or

(F) Have experienced disproportionate results in education due to historical practices; and

(f) Promote the creation of school cultures that support kindness, care, connection, equity, diversity and inclusion.

(3) The advisory group shall submit a report to the board that describes the proposed standards and framework. The board shall consider the report when adopting the standards and framework.

(4) Subject to the direction from the board, the department shall determine the number and frequency of meetings to be held by the advisory group prior to the submission of the report required under subsection (3) of this section.

SECTION 5. (1) The Department of Education shall convene the advisory group required by section 4 of this 2021 Act no later than September 1, 2021.

(2) The report required under section 4 of this 2021 Act must be submitted to the State Board of Education no later than September 15, 2022.

(3) The board shall adopt social emotional learning standards and the social emotional framework described in section 4 of this 2021 Act no later than September 15, 2023.

(4) The board shall require school districts to implement the standards and framework no later than July 1, 2024.

SECTION 6. Sections 4 and 5 of this 2021 Act are repealed on January 2, 2025.

EDUCATOR EQUITY

SECTION 7. ORS 342.437 is amended to read:

342.437. (1) As a result of this state's commitment to equality for the diverse peoples of this state, the goal of the state is that the percentage of diverse educators employed by a school district or an education service district reflects the percentage of diverse students in the public schools of this state or the percentage of diverse students in the district.

(2) *[The Department of Education]* **The State Board of Education, in consultation with the Educator Advancement Council,** shall use federal reports on educator equity to monitor school district and education service district progress on meeting the goal described in subsection (1) of this section, in relation to the recruitment, hiring and retention of diverse educators.

SECTION 8. ORS 326.051 is amended to read:

326.051. Subject to ORS 417.300 and 417.305:

(1) In addition to such other duties as are prescribed by law and pursuant to the requirement of ORS chapter 183, the State Board of Education shall:

(a) Establish state standards for public kindergartens and public elementary and secondary schools consistent with the policies stated in ORS 326.011.

(b) Adopt rules for the general governance of public kindergartens and public elementary and secondary schools.

(c) Prescribe required or minimum courses of study.

(d) Adopt rules for public kindergartens and public elementary and secondary schools consistent with the policy stated in ORS 342.437.

[(d)] (e) Adopt rules regarding school and interscholastic activities.

[(e)] (f) Adopt rules that provide that no public elementary or secondary school shall discriminate in determining participation in interscholastic activities. As used in this paragraph, "discrimination" has the meaning given that term in ORS 659.850.

[(f)] (g) Adopt rules that will eliminate the use and purchase of elemental mercury, mercury compounds and mercury-added instructional materials by public elementary and secondary schools.

(2) The State Board of Education may:

(a) Consistent with the laws of this state, accept money or property not otherwise provided for under paragraph (b) of this subsection, which is donated for the use or benefit of the public kindergartens and public elementary and secondary schools and use such money or property for the purpose for which it was donated. Until it is used, the board shall deposit any money received under this paragraph in a special fund with the State Treasurer as provided in ORS 293.265 to 293.275.

(b) Apply for federal funds and accept and enter into any contracts or agreements on behalf of the state for the receipt of such funds from the federal government or its agencies for:

(A) Educational purposes, including but not limited to any funds available for the school lunch program;

(B) Career and technical education programs in public elementary and secondary schools; and

(C) Any grants available to the state or its political subdivisions for general federal aid for public kindergartens, public elementary schools and public secondary schools and their auxiliary services, improvement of teacher preparation, teacher salaries, construction of school buildings, ad-

ministration of the Department of Education and any other educational activities under the jurisdiction of the State Board of Education.

(c) Adopt rules to administer the United States Department of Agriculture's National School Lunch Program and School Breakfast Program for public and private prekindergarten through grade 12 schools and residential child care facilities.

SECTION 9. ORS 342.147, as amended by section 8, chapter 756, Oregon Laws 2015, and section 2, chapter 317, Oregon Laws 2017, is amended to read:

342.147. [(1)(a)] (1) The Teacher Standards and Practices Commission shall establish by rule standards for approval of educator preparation providers and educator preparation programs.

(2) Standards for approval of an educator preparation provider may allow approval of an institution of higher education, a school district in this state, an education service district in this state or any other entity in this state that sponsors or provides an educator preparation program.

[(b)] (3)(a) Standards for approval of an educator preparation program must include:

(A) Requiring an educator preparation program to be accredited by a national organization that represents teachers, policymakers and teacher educators and that provides accreditation based on nationally recognized standards and on evidence-based measures; and

(B) Approving a public educator preparation program of more than four years' duration only if educator preparation programs that are reasonably attainable in a four-year period, **or the equivalent**, are also available in the system of higher education and are designed to culminate in a baccalaureate degree that qualifies their graduates for entry-level teaching licenses.

[(c)] (b) Standards for approval of an educator preparation program for early childhood education, elementary education, special education or reading must require that:

(A) The program provide instruction on dyslexia and other reading difficulties; and

(B) The instruction on dyslexia be consistent with the knowledge and practice standards of an international organization on dyslexia.

(4)(a) Notwithstanding subsection (3)(a)(A) of this section, standards for approval of an educator preparation program may allow an educator preparation program to operate provisionally without accreditation by a national organization if the educator preparation program is:

(A) Offered by an accredited educator preparation provider; or

(B) A nontraditional pathway to licensure program offered by an educator preparation provider, regardless of whether the educator preparation provider is accredited.

(b) A nontraditional pathway to licensure program shall be considered an approved educator preparation program if the nontraditional pathway to licensure program complies with standards established by the commission. The commission shall establish standards for nontraditional pathway to licensure programs that:

(A) Are substantially similar to the standards under subsection (3)(a) of this section;

(B) Require the commission to consider the current efforts of educator preparation programs to serve the same educator workforce as the proposed nontraditional pathway to licensure program; and

(C) Require the proposed nontraditional pathway to licensure program to submit to the commission a preoperational capacity review from a national accrediting organization that is approved by the commission.

(c)(A) Nothing in this subsection requires a nontraditional pathway to licensure program to:

(i) Culminate in the granting of a degree; or

(ii) Prohibit a candidate from being employed as an educator while participating in the program.

(B) Nothing in this subsection prevents an accredited educator preparation provider from offering a nontraditional pathway to licensure.

(d) An approved educator preparation program that operates provisionally as provided by this subsection may not operate provisionally for more than four years from the date that the educator preparation program first received approval to operate provisionally.

[2] (5) The commission shall adopt rules that:

(a) Require approved educator preparation programs for early childhood education, elementary education, special education or reading to demonstrate that candidates enrolled in the programs receive training to provide instruction that enables students to meet or exceed third-grade reading standards and become proficient readers by the end of the third grade, as designated by the State Board of Education. For the purposes of this paragraph, an approved educator preparation program may make the demonstration through course curriculum, approved textbooks or other program requirements.

(b) Allow approved educator preparation programs leading to graduate degrees to commence prior to the candidate's completion of baccalaureate degree requirements and to combine undergraduate and graduate level course work in achieving program completion.

[3] (6) Whenever any educator preparation provider or educator preparation program is denied approved status or has such status withdrawn, the denial or withdrawal must be treated as a contested case under ORS chapter 183.

[4] (7) Nothing in this section is intended to grant to the Teacher Standards and Practices Commission any authority relating to granting degrees or establishing degree requirements that are within the authority of the Higher Education Coordinating Commission or any of the public universities listed in ORS 352.002, or that are within the authority of the governing board of any private institution of higher education.

SECTION 9a. (1) Notwithstanding the operative date set forth in section 2, chapter 756, Oregon Laws 2015, as amended by section 9, chapter 756, Oregon Laws 2015, and section 25, chapter 72, Oregon Laws 2018, the Teacher Standards and Practices Commission may take any action before the operative date identified by this subsection that is necessary for the commission to exercise, on and after the operative date identified by this subsection, all of the duties, functions and powers conferred on the commission by the amendments to ORS 342.147 by section 9 of this 2021 Act.

(2) For the purpose of ensuring that the Teacher Standards and Practices Commission may exercise, on and after the operative date identified by subsection (1) of this section, all of the duties, functions and powers conferred on the commission by the amendments to ORS 342.147 by section 9 of this 2021 Act, the commission shall develop and implement a plan for the implementation of the amendments to ORS 342.147 by section 9 of this 2021 Act. The plan must:

(a) Be developed in collaboration with the Educator Advancement Council and the Department of Education; and

(b) Prioritize increasing:

(A) Participation by teacher candidates in nontraditional pathway to licensure programs;

(B) Educator diversity; and

(C) Educator retention.

(3) No later than January 1, 2023, the Teacher Standards and Practices Commission, in collaboration with the Educator Advancement Council and the Department of Education, shall report to the appropriate interim committees of the Legislative Assembly. The report shall address the progress on the plan required to be developed and implemented as provided by subsection (2) of this section.

SECTION 10. Section 4, chapter 756, Oregon Laws 2015, as amended by section 10, chapter 756, Oregon Laws 2015, is amended to read:

Sec. 4. (1) The Teacher Education Program Accreditation Account is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Teacher Education Program Accreditation Account shall be accredited to the account.

(2) Moneys in the Teacher Education Program Accreditation Account are continuously appropriated to the Teacher Standards and Practices Commission to award grants to educator preparation programs for the purpose of having the programs accredited by the organization described in ORS 342.147 [(1)(b)(A)] (3)(a)(A), as amended by section 8 [of this 2015 Act], **chapter 756, Oregon Laws 2015, section 2, chapter 317, Oregon Laws 2017, and section 9 of this 2021 Act.**

SECTION 11. Section 5, chapter 756, Oregon Laws 2015, is amended to read:

Sec. 5. (1) The Teacher Education Program Accreditation Account established by section 4 [of this 2015 Act], **chapter 756, Oregon Laws 2015**, is abolished on July 1, [2022] **2025**.

(2) Any moneys remaining in the account on July 1, [2022] **2025**, that are unexpended, unobligated and not subject to any conditions shall be transferred to the General Fund on July 1, [2022] **2025**.

SECTION 12. ORS 342.120 is amended to read:

342.120. As used in this chapter, unless the context requires otherwise:

(1) "Administrator" includes but is not limited to all superintendents, assistant superintendents, principals and academic program directors in public schools or education service districts who have direct responsibility for supervision or evaluation of licensed teachers and who are compensated for their services from public funds.

(2) "Administrative license" means a license issued under ORS 342.125 (3)(f) or (g).

(3) "Approved educator preparation program" means a licensure program that:

(a) **Prepares persons to become educators in any grade from preprimary through grade 12;**

(b) Is offered by an approved educator preparation provider [*and*]; **and**

(c) Meets the standards of the Teacher Standards and Practices Commission, **as provided by ORS 342.147.**

(4) "Approved educator preparation provider" means [*an entity*] **a sponsor or provider of an educator preparation program** that meets the standards of the Teacher Standards and Practices Commission [*for preparation of licensed educators for preprimary programs through grade 12*], **as provided by ORS 342.147.**

(5) "Instruction" includes preparation of curriculum, assessment and direction of learning in class, in small groups, in individual situations, online, in the library and in guidance and counseling, but does not include the provision of related services, as defined in ORS 343.035, to a child identified as a child with a disability pursuant to ORS 343.146 to 343.183 when provided in accordance with ORS 343.221.

(6) "Instructional assistant" means a classified school employee who does not require a license to teach, who is employed by a school district or education service district and whose assignment consists of and is limited to assisting a licensed teacher in accordance with rules established by the Teacher Standards and Practices Commission.

(7) "Teacher" includes all licensed employees in the public schools or employed by an education service district who have direct responsibility for instruction or coordination of educational programs and who are compensated for their services from public funds. "Teacher" does not include a school nurse as defined in ORS 342.455 or an instructional assistant.

(8) "Teaching license" means a license issued under ORS 342.125 or 342.144.

(9) "Underrepresented person" means:

(a) A person having origins in any of the black racial groups of Africa, but who is not Hispanic;

(b) A person of Hispanic culture or origin;

(c) A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands; or

(d) An American Indian or [*Alaskan*] **Alaska** Native having origins in any of the original peoples of North America.

SECTION 13. ORS 348.295 is amended to read:

348.295. (1) In addition to any other form of student financial aid authorized by law, the Higher Education Coordinating Commission may award scholarships to culturally and linguistically diverse

teacher candidates to use at approved educator preparation providers, as defined in ORS 342.120, for the purpose of advancing the goal described in ORS 342.437.

(2) Scholarships awarded under this section shall be in amounts of [~~\$5,000~~] **\$10,000** each academic year, for a maximum of two academic years.

(3) The commission shall adopt rules necessary for the implementation and administration of this section in consultation with the Educator Advancement Council and the Department of Education.

SECTION 14. ORS 342.940 is amended to read:

342.940. (1) As used in this section and ORS 342.943, “educator” means a teacher, administrator or other school professional who is licensed, registered or certified by the Teacher Standards and Practices Commission.

[(2)(a) The Educator Advancement Council is created, as provided by ORS 190.010 (5) and with the authority described in ORS 190.110, for the purposes of providing resources related to educator professional learning and other educator supports.]

[(b) The council shall function through an intergovernmental agreement, as provided by ORS 190.003 to 190.130. The intergovernmental agreement shall outline the governance framework and the administrative details necessary for the efficient and effective implementation of the duties of the council.]

[(3)(a) The council shall consist of members who are representatives of the members of the intergovernmental agreement creating the council, including representatives of state agencies, school districts and education service districts].

[(b) In addition to the members of the council specified in paragraph (a) of this subsection, the council shall consist of members who are:]

[(A) Practicing educators, early learning providers and professionals and school district board members; and]

[(B) Representatives of educator preparation providers, education-focused nonprofit organizations, education-focused philanthropic organizations, professional education associations, community-based education organizations that represent families and students, post-secondary institutions of education and federally recognized tribes of this state.]

[(c) The majority of the members of the council identified under paragraphs (a) and (b) of this subsection may identify additional members of the council.]

(2) The Educator Advancement Council shall be established and function under an intergovernmental agreement, pursuant to ORS 190.003 to 190.130. The purposes of the council are to provide resources related to educator professional learning and to provide other educator supports.

(3) Parties to the intergovernmental agreement establishing the council must include:

- (a) The Department of Education;**
- (b) The Early Learning Division;**
- (c) The Teacher Standards and Practices Commission;**
- (d) The Higher Education Coordinating Commission;**
- (e) A school district; and**
- (f) An education service district.**

(4) The intergovernmental agreement establishing the council shall outline the governance framework and the administrative details necessary for the efficient and effective implementation of the duties of the council, including:

(a) Designating the maximum number of members of the council.

(b) Identifying the process for the council to select the chairperson of the council. The chairperson must be one of the members of the council and shall be responsible for overseeing official council business.

(c) Identifying the process for the council to appoint the executive director of the council. Appointment of the executive director must be by written order, filed with the Secretary of State, and the executive director shall serve at the pleasure of the council. The executive director shall be responsible for the daily operations of the council, including the appoint-

ment of all subordinate officers and employees of the council. Officers and employees of the council shall be considered persons in state service for purposes of ORS chapter 240, and, subject to ORS chapter 240, the executive director shall prescribe their duties and fix their compensation.

(5)(a) The council shall consist of:

(A) Members who are representatives of the parties to the intergovernmental agreement establishing the council, as identified in subsection (3) of this section.

(B) No more than 10 members who are practicing educators, early learning providers and professionals and school district board members.

(C) No more than 10 members who are representatives of educator preparation providers, education-focused nonprofit organizations, education-focused philanthropic organizations, professional education associations, community-based education organizations that represent families and students, post-secondary institutions of education and federally recognized Indian tribes of this state.

(b) Subject to any limits designated as provided by the intergovernmental agreement establishing the council, the majority of the members of the council identified under paragraph (a) of this subsection may propose additional members of the council. The inclusion of additional members on the council shall be subject to the procedures established by the council under the intergovernmental agreement.

[4] (6) The council shall:

(a) Establish a system of educator networks, as described in ORS 342.943, by which every educator in this state has access to professional learning opportunities;

(b) Coordinate the distribution of moneys to educator networks from the Educator Advancement Fund based on the needs of the educators identified by the networks;

(c) Connect educator networks and facilitate communications within and among the networks to improve teaching and learning; and

(d) Continuously assess the needs of educators in this state and coordinate priorities based on the moneys available for distribution from the Educator Advancement Fund.

[5] (7) The Department of Education shall provide support to the strategic direction of the council by:

(a) Conducting and coordinating research to monitor:

(A) Teaching and learning conditions;

(B) Educator workforce supply and demand; and

(C) Common outcomes and measures anticipated to promote improvement in teaching and learning.

(b) Assisting the council in coordinating and connecting educator networks, supporting professional learning priorities, enabling access to professional learning and supports, leveraging funding sources and managing innovation funds.

(c) Recommending statutory and agency rule changes needed to support the purposes of the council.

(d) Supporting programs that help to achieve the purposes of the Educators Equity Act.

(e) Supporting a statewide plan for increasing:

(A) The supply of culturally diverse teacher candidates; and

(B) The successful recruitment of effective educators to work in high-need schools and in practice areas with a shortage of educators.

(f) Identifying high-leverage educator practices to be developed by educators throughout their careers.

(g) Providing accountability of the council by ensuring that the council:

(A) Gives preference, when making recommendations about funding distributions, to entities that have demonstrated success in improving student indicators.

(B) Considers the delivery of services for the benefit of all regions of this state when establishing the system of educator networks.

(C) Works toward improving student progress indicators identified by the Department of Education or set forth in ORS 350.014.

(D) Includes and connects education providers and leaders from prekindergarten through post-secondary education.

(h) Providing staff support for the administrative functions of the council.

(i) Developing a system that allows for the statewide dissemination of emerging practices and evidence-based models.

(j) Providing technical assistance to the council, including online systems for sharing professional learning resources and supporting educator networks.

(k) Administering the distribution of grant and contract funds for programs described in this section.

(L) Providing administrative support to the educator networks, including:

(A) Making recommendations to the council about the selection of the sponsors of educator networks;

(B) Providing technical assistance to educator networks; and

(C) Entering into grant agreements or contracts for the distribution of funds to educator networks.

[(6)(a)] (8)(a) The State Board of Education and the Teacher Standards and Practices Commission may adopt any rules necessary at the request of the council to support the council or to perform any duties assigned to the board or commission under this section.

(b) The council may adopt rules pursuant to ORS chapter 183 for the purpose of ORS 342.943.

(9) The council shall be considered a board for purposes of ORS chapter 180.

PUBLIC CHARTER SCHOOL EQUITY

SECTION 15. Section 16 of this 2021 Act is added to and made a part of ORS chapter 327.

SECTION 16. (1) As used in this section:

(a) “ADMw” means weighted average daily membership, as calculated under ORS 327.013.

(b) “Eligible public charter school” means a public charter school that is not a virtual public charter school, as defined in ORS 338.005, and that has a student population of which at least 65 percent of the total student population is composed of students from the following combined student groups:

(A) Racial or ethnic groups that have historically experienced academic disparities, as described in ORS 327.180 (2)(b)(B); and

(B) Students with disabilities, as described in ORS 327.180 (2)(b)(C).

(2) In addition to those moneys distributed through the State School Fund, the Department of Education shall award grants under this section to eligible public charter schools from the Statewide Education Initiatives Account.

(3) The amount of a grant awarded to an eligible public charter school under this section = the public charter school’s ADMw × the difference between:

(a) The amount of the General Purpose Grant per ADMw for the school district that has contractually established payment for the provision of educational services to the public charter school’s students under ORS 338.155 (2) or (3); and

(b) The amount of the General Purpose Grant per ADMw that the public charter school receives under a contract for the provision of educational services to the public charter school’s students under ORS 338.155 (2) or (3).

(4) The purpose of grants distributed under this section shall be to increase academic achievement, including reducing academic disparities, for:

(a) Students from racial or ethnic groups that have historically experienced academic disparities, as determined under rules adopted by the State Board of Education; and

(b) Students with disabilities.

(5) Any eligible public charter school may apply for and receive a grant as provided by this section. A grant application must:

(a) Describe how grant moneys will be used to advance the purpose described in subsection (4) of this section.

(b) Specify the supports that will be:

(A) Provided to students with a disability; or

(B) Used to enhance special education and related services that are provided by a school district under ORS 338.165 to the students of the public charter school.

(c) Identify any applicable longitudinal performance growth targets for the public charter school that have been established:

(A) Under contract between the public charter school and the sponsor of the public charter school; or

(B) By the public charter school or the school district in which the public charter school is located for purposes of grants from the Student Investment Account, as provided by ORS 327.190.

(d) Be submitted based on the timelines and forms prescribed by the department.

(6)(a) If the department determines that a grant application complies with the requirements prescribed under this section, the department shall enter into a grant agreement with the eligible public charter school.

(b) A grant agreement must include longitudinal performance growth targets for the public charter school. If the grant application identified longitudinal performance growth targets, those targets shall be included in the grant agreement. If the grant application did not identify longitudinal performance growth targets, the public charter school shall collaborate with the department to develop longitudinal performance growth targets. Longitudinal performance growth targets must:

(A) Be based on data available for longitudinal analysis; and

(B) Use the following applicable metrics:

(i) Third-grade reading proficiency rates, as defined in ORS 327.190;

(ii) Regular attendance rates, as defined in ORS 327.190; and

(iii) Any other metrics identified by the department in collaboration with the public charter school.

(7) After the department and the public charter school have entered into a grant agreement, the department shall award a grant to the public charter school in the amount calculated under subsection (3) of this section. A grant recipient shall deposit grant moneys received under this section into a separate account and shall apply the amounts in that account as provided by the grant agreement.

(8)(a) Each year, each grant recipient must submit to the department a description of:

(A) How grant moneys received under this section were used to advance the purpose described in subsection (4) of this section and to meet performance growth targets in the grant agreement; and

(B) Progress made by the grant recipient toward meeting the performance growth targets in the grant agreement.

(b) A grant recipient shall provide the information required under this subsection based on the timelines and forms prescribed by the department. To the greatest extent practicable, the department shall accept the information described in this subsection in the manner that it is made available by a public charter school to the sponsor of the public charter school.

(9) To the greatest extent practicable, any requirements prescribed by the department or the board under this section in relation to an application, a grant agreement or the submission of information under subsection (8) of this section shall reduce any redundancies between a grant awarded under this section and a grant awarded from the Student Investment Account. Reduction in redundancies includes accepting for the purposes of grants awarded under this section any applicable forms or information submitted by the public

charter school to the department or a school district for the purposes of a grant awarded from the Student Investment Account.

(10) A public charter school and a school district may not consider moneys received by the public charter school under this section when establishing payment for the provision of educational services to the public charter school's students under ORS 338.155 (2) or (3).

(11) Prior to November 1 of each odd-numbered year, the department shall submit to the appropriate interim legislative committees a report related to the grants awarded under this section. The report must describe:

(a) The public charter schools that applied for the grants and the public charter schools that received the grants;

(b) The longitudinal performance growth targets included in grant agreements, as provided by subsection (6)(b) of this section; and

(c) Progress made toward meeting longitudinal performance growth targets, as reported under subsection (8)(a) of this section.

(12) The State Board of Education shall adopt any rules necessary for the distribution of grants under this section.

SECTION 17. ORS 327.254 is amended to read:

327.254. (1) The Department of Education shall use moneys in the Statewide Education Initiatives Account to provide funding for statewide education initiatives, including:

(a) Funding the High School Graduation and College and Career Readiness Act at the levels prescribed by ORS 327.856;

(b) Expanding school breakfast and lunch programs;

(c) Operating youth reengagement programs or providing youth reengagement services;

(d) Establishing and maintaining the Statewide School Safety and Prevention System under ORS 339.341;

(e) Developing and providing statewide equity initiatives, including the black or African-American education plan developed under ORS 329.841, the American Indian or Alaskan Native education plan developed under ORS 329.843, the Latino or Hispanic education plan developed under ORS 329.845 or any similar education plan identified by the department;

(f) Providing summer learning programs at schools that are considered high poverty under Title I of the federal Elementary and Secondary Education Act of 1965;

(g) Funding early warning systems to assist students in graduating from high school, as described in ORS 327.367;

(h) Developing and implementing professional development programs and training programs, including programs that increase educator diversity and retain diverse educators;

(i) Planning for increased transparency and accountability in the public education system of this state;

(j) Providing additional funding to school districts participating in the intensive program under ORS 327.222;

(k) Providing technical assistance, including costs incurred for:

(A) The coaching program described in ORS 327.214; and

(B) The intensive program described in ORS 327.222, including costs for student success teams;

(L) Funding public charter schools, as described in section 16 of this 2021 Act;

~~[(L)]~~ **(m)** Funding education service districts, as described in subsection (2) of this section; and

~~[(m)]~~ **(n)** Funding costs incurred by the department in implementing this section and ORS 327.175 to 327.235 and 327.274.

(2)(a) The amount of a distribution to an education service district under this section = the education service district's ADMw × (the total amount available for distribution to education service districts in each biennium ÷ the total ADMw of all education service districts that receive a distribution).

(b) For purposes of this subsection, ADMw equals the ADMw as calculated under ORS 327.013, except that the additional amount allowed for students who are in poverty families, as determined under ORS 327.013 (1)(c)(A)(v)(I), shall be 0.5.

(c) An education service district shall use moneys received under this section as provided by a plan developed by the school districts located within the education service district. A school district that declines to participate in the development of the plan or that has withdrawn from an education service district as provided by ORS 334.015 is not entitled to any moneys distributed to the education service district under this subsection.

(d) A plan developed under this subsection must:

(A) Align with and support school districts in meeting the performance growth targets of the school districts developing the plan;

(B) Include the provision of technical assistance to school districts in developing, implementing and reviewing a plan for receiving a grant from the Student Investment Account;

(C) Provide for coordination with the department in administering and providing technical assistance to school districts, including coordinating any coaching programs established under ORS 327.214; and

(D) Be adopted and amended as provided for local service plans under ORS 334.175 and approved by the department.

(e) Each education service district must submit an annual report to the department that:

(A) Describes how the education service district spent moneys received under this subsection; and

(B) Includes an evaluation of the education service district's compliance with the plan from the superintendent of each school district that participated in the development of the plan.

(3) The State Board of Education shall adopt rules necessary for the distribution of moneys under this section.

SECTION 18. Section 16 of this 2021 Act and the amendments to ORS 327.254 by section 17 of this 2021 Act become operative on July 1, 2022.

APPROPRIATIONS

SECTION 19. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Education, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$5,800,000 for the Early Childhood Suspension and Expulsion Prevention Program established under section 1 of this 2021 Act.

SECTION 20. In addition to and not in lieu of any other appropriation, there is appropriated to the Teacher Standards and Practices Commission, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$527,792 for the development of standards for nontraditional pathway to licensure programs under ORS 342.147.

SECTION 21. Notwithstanding any other law limiting expenditures, the amount of \$2,000,000 is established for the biennium beginning July 1, 2021, as the maximum limit for payments of grants-in-aid, program costs and purchased services by the Department of Education from the Statewide Education Initiatives Account established under ORS 327.250, for grants awarded to public charter schools under section 16 of this 2021 Act.

CAPTIONS

SECTION 22. The unit captions used in this 2021 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2021 Act.

EFFECTIVE DATE

SECTION 23. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect July 1, 2021.

Passed by House June 25, 2021

.....
Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 26, 2021

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2021

Approved:

.....M,....., 2021

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2021

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Shemia Fagan, Secretary of State